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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,780	09/08/2000	Keiji Fukuzawa	450101-02221	7982

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EXAMINER

RAMAN, USHA

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/623,780

Applicant(s)

FUKUZAWA ET AL.

Examiner

Usha Raman

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-6, 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED OFFICE ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

- Group I, claim(s) 1-6, drawn to an information distribution system.
- Group II, claim(s) 7-16, drawn to an information transmission system for demodulating signals from one network and remodulate it for transmission through another network.
- Group III, claim(s) 17-18, drawn to an information receiving system that extracts and demodulates received signals and notifies head end of audience activity.

2. The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group I receives digital multi-channel service signals from a center station through a first transmission path, converts the digital multi-channel signal for a

second transmission path by modulation conversion means and then transmit the converted signals to a plurality of receiving stations.

Group II receives a broadcasting signal from a second transmission path, demodulates the received signal, and modulates the demodulated signal.

Group III appears to receive information transmitted over a first transmission path as well as receive a retransmitted signal over a second transmitted path, extract and demodulate the signal, and record audience information and notify audience information to the service provider that transmitted service through the second transmission path.

4. During a telephone conversation with William Frommer on April 28th, 2004, a provisional election was made without traverse to prosecute the invention of group II, claims 7-16. Affirmation of this election must be made by applicant in replying to this Office action. Claim 1-6 and 17-18 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.
5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship

must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Information Disclosure Statement

6. The information disclosure statement filed on February 27th 2002 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because no English translation is provided for the German NPL document, listed in AO. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 7 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Williams (US Pat. 5,970,386).

In regards to claims 7 and 12, William discloses a transmodulator method and apparatus for receiving information from a first transmission path (satellite transmissions), demodulating the received signals (QPSK modulated signals) and modulating the demodulated with QAM modulation scheme and transmitting the signals through a first transmission path (MDU cable network). Note column 3, lines 30-43, 53-57, column 10, 63-66 and column 8, lines 44-56.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-11, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (US Pat. 5,970,386) in view "ETR 211: Digital Video Broadcasting: Guidelines on Implementation and Usage of Service Information" (henceforth referred to as ETR).

In regards to claims 8 and 13, Williams fails to disclose that the modulation means includes network information replacement means for replacing the demodulated network information with information for the first transmission path.

The ETR discloses that re-broadcasting of satellite signals over a cable network can be achieved by some selecting TS packet replacements in the TS. TS packets with unique PID values are filtered out and the NIT information is replaced. Note clause 5.3.2 of the ETR. Note clauses 4.1.1 in page 11 and clause 5.3 in page 37.

It would have been obvious to one of ordinary skill in the art to modify the transmodulator of Williams with teachings and guidelines provided by the ETR and replace the NIT information of the satellite signals with that of the cable network so that a receiver receives a valid NIT.

In regards to claims 10 and 15, as discussed above for claims 7 and 12, Williams discloses that the first transmission path is a cable television channel and the second transmission path is a satellite broadcasting channel.

In regards to claims 9 and 14, Williams discloses that a satellite decoder demodulates the signals modulated from the second network transmission path and data packets. Upon receiving and decoding a transport stream, the NIT is extracted at the receiving site in order compare the network id of a transport stream to identify the delivery network. If it is found that the network id of the received transport stream does not match with the network id of the receiver, the network id must be replaced for subsequent delivery over a second network. The extracted packets are then packetized (converted) into a compliant system standard for subsequent delivery in the second network. Note column 8, lines 26-31 of Williams. Furthermore, the ETR discloses that the extracted network

identification information is replaced with that of the new network. Note clause 5.3.2 in page 37 of the ETR.

In regards to claims 11 and 16, the ETR discloses that a can digital receive transport streams from an arbitrary network, extract the network information to determine the delivery network id and convert it to a format compliant with the network to be delivered to, replace the network id with the information of the network to be delivered to. In the case of the modified system, the arbitrary network is any satellite network and the network to be delivered to is the cable network. The ETR further discloses that a transport stream from an arbitrary network has to have a NIT (designated by the tables listed under DVB mandatory in figure 1) identifying the actual transport stream, however it may also have NIT concerning with another transport stream (designated by tables under DVB for optional transport streams) of another network (i.e. another satellite, cable or terrestrial network). Note clause 1 in page 7 and figure 1 of ETR in page 10. When two such networks are identified in the new network, the new network replaces the network information of both the networks with the network information of the new network in the same manner as above. Note the last paragraph in page 11 of the ETR.


Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (703) 305-0376. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-308-5359.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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04/30/04



VIVEK SRIVASTAVA
PRIMARY EXAMINER